



## CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



### **CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

**MID-MONTH SUMMARY MINUTES – JUNE 21, 2005**

**MID-MONTH BOARD MEETING MINUTES<sup>1</sup>**

**JUNE 21, 2005**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**1. ROLL CALL**

**Members Present:**

**Maeley Tom, Vice President  
Anne Sheehan, Member  
Sean Harrigan, Member**

**2. REPORT OF THE EXECUTIVE OFFICER – Laura M. Aguilera, Assistant Executive Officer**

**A.** The Executive Officer, Floyd Shimomura is on a 3-week vacation in Europe and will return on July 7.

**B.** On June 14, the Little Hoover Commission issued its report on State Management Workforce. The report focuses on hiring, training, managing and rewarding state managers. The report provides a number of recommendations for improvement in these areas. We have invited the Commission to present their findings at the Board's meeting in July.

**C.** Construction of the new hearing rooms at 801 Capitol Mall is nearly complete. The last hearing at the 660 J facility is scheduled this week on Thursday, June 23. We will begin holding hearings at the new offices during the week of July 4.

**3. REPORT OF THE CHIEF COUNSEL - Elise Rose**

**A.** Revising SPB's Whistleblower Protection Act regulations. Goal is to schedule for Board's August 9 meeting.

**B.** Sr. Staff Counsel Karen Brandt has accepted a position with the Office of Administrative Hearings as an Administrative Law Judge. Her last day in the office will be July 8.

**4. NEW BUSINESS**

**NONE**

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<sup>1</sup> The Agenda for the Board can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

**5. REPORT ON LEGISLATION - Sherry Hicks**

**AB 124 (Dymally)** is scheduled to be heard in Senate Judiciary Committee. Working with the Disabled in State Service Committee regarding proposed amendments.

**AB 297 (Yee)** is on consent calendar for the Senate Public Employment and Retirement Committee.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**6. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

**7. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

State Personnel Board v. Department of Personnel Administration,  
California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association,  
California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court  
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

State Compensation Ins. Fund v. State Personnel Board/CSEA,  
Sacramento Superior Court No. 04CS00049.

SEIU Local 1000 (CSEA) v. State Personnel Board  
Sacramento Superior Court No. 05CS00374

The Copley Press, Inc. v. San Diego Superior Court  
California Supreme Court No. S128603

**8. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**9. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor. [Government Code section 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**10. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF JULY 12-13, 2005, IN SACRAMENTO, CALIFORNIA**

The full Board meeting will be changed from two-days to one-day on July 13, 2005.

**11. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES**

May 17, 2005 Minutes – Adopted

VOTE: Tom, Sheehan, Harrigan – Aye

**12. EVIDENTIARY CASES - (See Case Listing on pages 9-14)**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**13. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Minutes page 24-25)**

**14. NON-EVIDENTIARY CASES - (See Case Listing on pages 15-21)**

**15. NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or

opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California

Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

- A. The California Bay Delta Authority (CBDA) proposes establishment of a Program Manager class series consisting of three managerial designated classes titled: Program Manager I, CBDA; Program Manager II, CBDA; and Program Manager III, CBDA, each with a twelve month probationary period.

**ACTION:** The Board did not take a vote. The item was withdrawn from the Agenda by SPB staff.

- B. The Department of Personnel Administration proposes on behalf of the user departments (Department of Veteran's Affairs, Department of Mental Health, Department of Developmental Services and the Department of Corrections) the following: the consolidation and re-titling of five existing Psychiatric Social Worker (PSW) classifications; establishment of a new series specification titled Clinical Social Worker (Health Facility), and Clinical Social Worker (Health/Correctional Facility) (Safety); apply Footnote 24 to the Psychiatric Social Worker/Class Code 9870; abolish the other four existing Psychiatric Social Worker Classifications; and a 12-month probationary period is proposed for the new series. A separate SPB hearing to address designating the new PSW series specification as "sensitive" for the purposes of pre-employment drug screening will be scheduled on the SPB July 12-13 Board Meeting.

**ACTION:** The Board adopted the proposed items.

- C. The Department of Insurance (DOI) proposes the consolidation of the following classes: Insurance Rate Analyst; Associate Insurance Rate Analyst; Senior Insurance Rate Analyst; and Supervising Insurance Rate Analyst into a series specification of Insurance Rate Analyst. In addition DOI proposes broadening the minimum qualifications to improve recruitment efforts as well as updating the scope, definition, knowledge and abilities of the classes in the proposed series specification Insurance Rate Analyst.

**ACTION:** The Board adopted the proposed items.

**16. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE**

**17. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Minutes reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

**A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**CHIEF DEPUTY DIRECTOR, CUSTOMER SERVICE**

The Legislative Data Center proposes to re-allocate their existing CEA Chief Deputy Director, Legislative Data Center to the position Chief Deputy Director, Customer Service. The Chief Deputy Director, Customer Service will be responsible for setting departmental policies regarding service levels, new project prioritization and funding and will partner in setting technology use policy and practice with the Legislature and the Legislative Counsel in order to provide information technology products and services to meet the needs of the legislative branch of state government.

**CHIEF DEPUTY DIRECTOR, ENTERPRISE TECHNOLOGY**

The Legislative Data Center proposes to re-allocate their existing CEA Director, Legislative Data Center to the position Chief Deputy Director, Enterprise Technology. The Chief Deputy Director, Enterprise Technology will be responsible for creating and implementing information security policy, strategic hardware and software procurement policies and direction, application methods and funding decisions for enterprise products, technical architecture structure and the policies and methods that result in funding priorities in order to ensure that the activities of the Deputy Directors deliver all facets of the enterprise architecture, enterprise processes, infrastructure services, information security, and application services and support in a timely and reliable manner.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS**

**CHIEF TECHNOLOGY SERVICES AND SUPPORT DIVISION,  
INFORMATION TECHNOLOGY SERVICES BRANCH**

The California Public Employees' Retirement System's request to allocate the above position to the CEA category has been approved effective May 23, 2005.

**DIVISION CHIEF, EMPLOYMENT SERVICES DIVISION**

The California Public Employees' Retirement System's request to allocate the above position to the CEA category has been disapproved effective May 27, 2005.

**18. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**NONE**

**19. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE**

**20. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE**

**21. BOARD ACTIONS - (See Minutes - Pages 22-23)**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this Minutes under Evidentiary Cases.

**A D J O U R N M E N T**



## 12. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

### A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

(1) **CHAD LOOK, CASE NO. 04-1789**

Appeal from 60 working days' suspension

**Classification:** Correctional Officer

**Department:** Department of Corrections

ALJ's Proposed Decision rejected by the Board on January 11, 2005

Transcript prepared

Oral argument heard June 7, 2005, Sacramento

Case ready for decision by FULL Board

**NO ACTION**

(2) **JAMES MCAULEY, CASE NO. 04-1856**

Appeal from dismissal

**Classification:** Associate Transportation Engineer,  
Caltrans (Registered)

**Department:** Department of Transportation

ALJ's Proposed Decision rejected by the Board on March 8-9, 2005

Transcript prepared

Oral argument heard June 7, 2005, Sacramento

Case ready for decision by FULL Board

**NO ACTION**

(3) **DARYL STONE, CASE NO. 04-0279A**

Appeal from dismissal

**Classification:** Police Officer I

**Department:** Department of Developmental Services

ALJ's Proposed Decision rejected by the Board on February 8, 2005

Transcript prepared

Oral argument heard May 3, 2005, Sacramento

Case ready for decision by FULL Board

**NO ACTION**

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases would have been on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

**NONE**

**C. CHIEF COUNSEL RESOLUTIONS**

**NONE**

**COURT REMANDS**

This case would have been remanded to the Board by the court for further Board action.

**NONE**

**STIPULATIONS**

These stipulations would have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These are ALJ proposed decisions submitted to the Board for the first time.

On June 21, 2005, the Board adopted as indicated below the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Tom, Harrigan, Sheehan – Aye

**(1) JOHN DONNER, JR, CASE NO. 05-0731**

Appeal from official reprimand

**Classification:** Correctional Sergeant

**Department:** Department of Corrections

**ACTION:** The Board adopted the ALJ's Proposed Decision revoking the official reprimand.

- (2) **INTERNATIONAL UNION OF OPERATING ENGINEERS, UNIT 12, LOCAL 3, 12, 39 & 501 CASE NO. 04-0813 [PSC FILE NO. 04-002(b)]**  
For review of personal services contract for maintenance and grounds keeping  
**Department:** California Science Center  
**ACTION:** The Board rejected the ALJ's Proposed Decision concluding that the State Personnel Board has jurisdiction to review the Personal Services Contract at issue.
- (3) **STAFFORD LEWIS, CASE NO. 99-5021BR**  
Appeal for determination of back salary, benefits and interest  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** The Board adopted the ALJ's Proposed Decision denying holiday pay and/or credit.
- (4) **DAVE NELSON, CASE NO. 04-2393**  
Appeal from a one step reduction in salary for six months  
**Classification:** Maintenance Area Superintendent  
**Department:** Department of Transportation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the one step reduction in salary for six months.
- (5) **NICOLE PRATT, CASE NO. 05-0878**  
Appeal from rejection during probationary period  
**Classification:** Psychiatric Technician, Safety  
**Department:** Department of Corrections  
**ACTION:** The Board adopted the ALJ's Proposed Decision granting the appeal and revoking the rejection.
- (6) **OLGA SIMONS, CASE NO. 04-3068E**  
Appeal from discrimination and retaliation  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** The Board adopted the ALJ's Proposed Decision dismissing the appeal.
- (7) **ROBERT STONE, CASE NO. 04-1290**  
Appeal from demotion from the position of Public Safety Dispatch Supervisor I to Public Safety Dispatcher II  
**Classification:** Public Safety Dispatch Supervisor I  
**Department:** Department of California Highway Patrol  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the demotion.

**(8) CHRIS UBOMA, CASE NO. 04-0790**

Appeal from five percent reduction in salary for five months

**Classification:** Associate Management Auditor

**Department:** Department of California Highway Patrol

**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the five percent reduction in salary for five months.

**Proposed Decisions Taken Under Submission At Prior Meeting**

These would have been ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

**NONE**

**PROPOSED DECISIONS AFTER BOARD REMAND**

**(10) ROBERT BARR, CASE NO. 04-0568EP**

Appeal from denial of complaint of discrimination

**Classification:** Program Representative I

**Department:** Department of Consumer Affairs

**ACTION:** The Board adopted the ALJ's Proposed Decision denying the appeal.

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

**NONE**

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On June 21, 2005, the Board took the following actions on the following cases presented by Elise Rose, Chief Counsel, California State Personnel Board.

**(1) JOHN BERNATH, CASE NO. 03-3357P**

Appeal from dismissal

**Classification:** Caltrans Heavy Equipment Mechanic

**Department:** Department of Transportation

**ACTION:** The Board denied the petition for rehearing.

- (2) **LETICIA RIVERA, CASE NO. 04-1887E**  
Appeal from denial of reasonable accommodation  
**Classification:** Staff Services Manager I  
**Department:** Department of Health Services  
**ACTION:** The Board denied the petition for rehearing.

**WHISTLEBLOWER NOTICE OF FINDINGS**

The Board would have voted to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

**NONE**

**F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **PATRICK BARBER, CASE NO. 04-0279**  
Appeal from dismissal  
**Classification:** Youth Correctional Counselor  
**Department:** Department of the Youth Authority  
  
Proposed decision adopted November 3, 2004  
Modifying dismissal to 45-calendar day suspension  
Petition for Rehearing granted February 8-9, 2005  
Transcript prepared  
Pending oral argument June 7, 2005, Sacramento  
Oral argument continued  
Pending oral argument July 12-13, 2005, Sacramento  
**NO ACTION**

- (2) **JON CHASE, CASE NO. 04-0392**  
Appeal from 30 working days suspension  
**Classification:** Associate Management Auditor  
**Department:** Employment Development Department  
  
Proposed decision rejected April 19, 2005  
Transcript prepared  
Pending oral argument July 12-13, 2005, Sacramento  
Oral argument continued  
Pending oral argument August 9-10, 2005, Sacramento  
**NO ACTION**

**(3) FRANK GARCIA, CASE NO. 04-0092P**

Appeal from dismissal

**Classification:** Chief Engineer I

**Department:** Department of Corrections

Petition for rehearing granted May 3, 2005

Transcript prepared

Pending oral argument July 12-13, 2005, Sacramento

**NO ACTION**

**(4) JOSEPH MARTINEZ, CASE NO. 04- 2690**

Appeal from dismissal

**Classification:** Hospital Police Officer

**Department:** Department of Mental Health

Proposed decision rejected May 17, 2005

Pending transcript

**NO ACTION**

**(5) KIM RITTENHOUSE, CASE NOS. 03-3541A & 03-3542E**

Appeal from denial of reasonable accommodation  
and from constructive medical termination

**Classification:** Office Technician (General)

**Department:** Department of Fish and Game

Proposed decision rejected May 18, 2004

Pending transcript

**NO ACTION**

**(6) ANDREW RUIZ, CASE NO. 04-2391**

Appeal from dismissal

**Classification:** Correctional Lieutenant

**Department:** Department of Corrections

Proposed decision rejected June 7, 2005

Pending transcript

**NO ACTION**

**14. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

On June 21, 2005, the Board adopted as indicated below the following decisions presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Tom, Harrigan, Sheehan - Aye

**(1) LAWRENCE AUTRY, CASE NO. 04-2100**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and negative employment record.

**ACTION: DENIED**

**(2) JAMES BELOATE, CASE NO. 04-3012**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability and a negative law enforcement contact.

**ACTION: DENIED**

**(3) MYRA BENNETT, CASE NO. 04-2582**

**Classification:** Medical Technical Assistant

**Department:** Corrections

**Issue:** Suitability; furnished inaccurate information during the selection process.

**ACTION: DENIED**

- (4) **SARAH CARNERO, CASE NO. 04-2336**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; Negative employment record.  
**ACTION: DENIED**
- (5) **CEDRIC CLINCY, CASE NO. 04-2235**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability and firearm prohibition.  
**ACTION: DENIED**
- (6) **LUIS CONTRERAS, CASE NO. 04-2345**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; illegal drug use.  
**ACTION: DENIED**
- (7) **ANTHONY DE LEON, CASE NO. 04-2986**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.  
**ACTION: DENIED**
- (8) **ROBERT DE LUSSA, CASE NO. 04-2404**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability and omitted pertinent information.  
**ACTION: DENIED**
- (9) **EDDIE FOX, CASE NO. 05-0405**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and a negative employment record.  
**ACTION: DENIED**
- (10) **TYSHAWN GUIDRY, CASE NO. 04-2216**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; Omitted pertinent information during the selection process.  
**ACTION: DENIED**



- (11) **LISHA LATRELL HARDY, CASE NO. 04-2720**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability.  
**ACTION:** The Board did not take a vote. Case was withdrawn from the Agenda by SPB staff.
- (12) **STEPHEN HORNBECK, CASE NO. 04-2851**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information during the selection process.  
**ACTION:** DENIED
- (13) **JOHNNY LLOYD-SIMMONS, CASE NO. 04-1899**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; arrest/conviction record and negative law enforcement contacts.  
**ACTION:** DENIED
- (14) **RUBEN LOPEZ, CASE NO. 04-1764**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.  
**ACTION:** DENIED
- (15) **RENE MENDOZA, CASE NO. 04-1776**  
**Classification:** Hospital Police Officer  
**Department:** Mental Health  
**Issue:** Suitability and negative employment.  
**ACTION:** DENIED
- (16) **YVONNE MOORE, CASE NO. 04-2219**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability and firearm prohibition.  
**ACTION:** DENIED

- (17) **ROBERT PENA, CASE NO. 04-2939**  
**Classification:** Hospital Police Officer  
**Department:** Mental Health  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and negative employment record.  
**ACTION: DENIED**
- (18) **ANANTHESHWAR RAJU, CASE NO. 04-2879**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability and omitting pertinent information.  
**ACTION: DENIED**
- (19) **DONALD RAY, CASE NO. 04-2430**  
**Classification:** Motor Vehicle Field Representative (MVFR)  
**Department:** Motor Vehicles  
**Issue:** Suitability; Negative employment history.  
**ACTION: DENIED**
- (20) **TONY RUIZ, CASE NO. 04-2938**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability and currently on probation.  
**ACTION: DENIED**
- (21) **SARAH SCALES, CASE NO. 04-2882**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and had a negative employment record.  
**ACTION: DENIED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases would have been heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board would have been presented recommendations by a Hearing Panel on each appeal.

**NONE**

**C. EXAMINATION APPEALS  
MINIMUM QUALIFICATIONS  
MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board would have been presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**EXAMINATION APPEALS**

**NONE**

**MINIMUM QUALIFICATIONS**

**NONE**

**MERIT ISSUE COMPLAINTS**

**NONE**

**D. RULE 211 APPEALS  
RULE 212 OUT OF CLASS APPEALS  
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board would have been presented recommendations by a Staff Hearing Officer for final decision on each appeal.

**NONE**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff.

On June 21, 2005, the Board took the following action on following cases presented by Elise Rose, Chief Counsel, California State Personnel Board.

- (1) STEPHANIE ALLEN, CASE NO. 04-0667**  
**Classification:** N/A – Member of the Public  
**Department:** Department of Corrections  
**Issue:** The charging party request charges be filed against the charged party for violations of various subsections of Government Code section 19572.  
**ACTION: DENIED**

- (2) **JAMES COVINGTON, CASE NO. 04-2296**  
**Classification:** Office Technician  
**Department:** Department of Rehabilitation  
**Issue:** The charging party requests charges be filed against the charged party for violations of various subsections of Government Code section 19572.  
**ACTION: DENIED**
- (3) **ROSEMARY LOPEZ, CASE NO. 04-1876**  
**Classification:** Motor Vehicle Technician  
**Department:** Department of Motor Vehicles  
**Issue:** The charging party requests charges be filed against the charged party for violations of various subsections of Government Code section 19572.  
**ACTION: DENIED**
- (4) **EDWARD MARTINEZ, CASE NO. 04-2446**  
**Classification:** Civilly Committed Patient at Atascadero State Hospital  
**Department:** Department of Mental Health  
**Issue:** The charging party requests to file charges against a registered nurse at Atascadero State Hospital.  
**ACTION: DENIED**
- (5) **EDWARD MARTINEZ, CASE NO. 04-2715**  
**Classification:** Civilly Committed Patient at Atascadero State Hospital  
**Department:** Department of Mental Health  
**Issue:** The charging party requests to file charges against an employee of Atascadero State Hospital.  
**ACTION: DENIED**
- (6) **LAURA MARTINEZ, CASE NO. 04-1834**  
**Classification:** Unknown  
**Department:** Department of Transportation  
**Issue:** The charging party request charges be filed against the charged party for violations of various subsections of Government Code section 19572.  
**ACTION: DENIED**

**(7) PATSY PHILLIPS, CASE NO. 04-0782**

**Classification:** Former employee

**Department:** Department of Education

**Issue:** The charging party requests charges be filed under various subsections of Government Code section 19572 against a state employee.

**ACTION: DENIED**

**(8) ANDREA SCHULZ, CASE NO. 04-1610**

**Classification:** Former employee

**Department:** Department of Mental Health, Atascadero State Hospital

**Issue:** The charging party requests charges be filed against the charged party for violations of various subsections of Government Code section 19572.

**ACTION: DENIED**

**PETITIONS FOR REHEARING CASES**

**NONE**

**F. PSYCHOLOGICAL SCREENING CASES**

Cases reviewed by Appeals Division staff, but no hearing was held. It was anticipated that the Board would have acted on these proposals without a hearing.

**NONE**

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**NO ACTION**

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**NO ACTION**

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**NO ACTION**

**6. DARYL STONE, CASE NO. 04-0279A**

Appeal from dismissal. Police Officer I. Department of Developmental Services. (Oral argument held May 3, 2005.)

**NO ACTION**

**7. HEARING – Personal Services Contract #05-02**

Appeal of the International Union of Operating Engineers from the Executive Officer's January 5, 2005 Decision Denying Review of Contracts for Drilling Services between the California Department of Transportation and URS Corporation and Geocon Consultants, Inc. (Hearing held June 7, 2005)

**NO ACTION**

**8. CHAD LOOK, CASE NO. 04-1789**

Appeal from 60 working day suspension. Correctional Officer. Department of Corrections. (Oral argument held June 7, 2005.)

**NO ACTION**

**9. JAMES MCAULEY , CASE NO. 04-1856**

Appeal from dismissal. Associate Transportation Engineer. Department of Transportation. (Oral argument held June 7, 2005.)

**NO ACTION**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.



**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

## **CORRECTIONS**

In the Summary Minutes of April 5-6, 2005, page 15, the following case and action should have been included under **C. CHIEF COUNSEL RESOLUTIONS:**

**STEVEN MURTAUGH, CASE NO. 02-1913**

Appeal from 5 percent reduction in salary for 12 months

**Classification:** Correctional Counselor I

**Department:** Department of Corrections

**ACTION:** The Board issued a resolution granting appellant's request for an order to show cause.

## **COURT REMANDS**

**THALAVAIPALAYAM SOUNDARAJAN, CASE NO. 02-1953**

Appeal from reasonable accommodation

**Classification:** Cook I

**Department:** California Conservation Corps

**ACTION:** The Board issued a resolution setting aside its decision of December 3-4, 2002, and adopting the ALJ's Proposed Decision, with modifications.

## **STIPULATIONS**

**GEORGE LATHROP, CASE NO. 01-0684E**

Appeal from dismissal

**Classification:** Physician & Surgeon, CF

**Department:** Department of Corrections

**ACTION:** The Board issued a resolution approving the stipulation for settlement entered into between the parties.

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on June 21, 2005.

VOTE: Tom, Sheehan, Harrigan – Aye

A handwritten signature in black ink, appearing to read "Laura M. Aguilera". The signature is fluid and cursive, with a large loop at the end.

LAURA M. AGUILERA  
Assistant Executive Officer  
California State Personnel Board